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A REVIEW
OF THE
WAREHOUSING SYSTEM.

LONDON:
PRINTED BY THOMAS DAVISON, WHITEFRIARS.

A REVIEW
OF THE
WAREHOUSING SYSTEM
AS CONNECTED WITH
THE PORT OF LONDON.

TAKEN FROM
PARLIAMENTARY REPORTS
AND
OFFICIAL DOCUMENTS.

DEDICATED TO THE EARL OF LIVERPOOL.

By HENRY LONGLANDS, Esq.

SECOND EDITION,

**WITH A PREFACE IN REFERENCE TO THE RECENT ATTACK UPON
THE AUTHOR, IN AN ANONYMOUS PAMPHLET.**

LONDON:

PRINTED BY THOMAS DAVISON, WHITEFRIARS;

AND

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TO

THE RIGHT HONORABLE

THE EARL OF LIVERPOOL, K.G.

FIRST LORD COMMISSIONER OF HIS MAJESTY'S TREASURY,

&c. &c. &c.

MY LORD,

It is not possible to write on the subject of the Warehousing System, as connected with the most important interests of commerce and revenue, without a grateful recollection of what the British public owes to your Lordship, for the distinguished zeal

and ability with which you pursued and promoted this wise and salutary system ; a system, the establishment of which, as your Lordship well knows, was long considered by those distinguished statesmen—your Lordship's father and Mr. Pitt, as an object most desirable, yet only to be safely accomplished, by means of those great improvements which have been made in the commercial accommodations of our ports, and more especially of the port of London.

This humble attempt to explain and illustrate the advantages to be derived from the Warehousing System, as connected with the establishments so provided for the accommodation of commerce, I venture to address to your Lordship, as a mark of profound respect,

in the hope that it may point out the just and prudent course, which can alone render the extension of that system consistent with the security of the revenue and of important public interests.

I have the honour to be,

My Lord,

Your Lordship's

Most obedient

And very humble servant,

H. LONGLANDS.

London, Nov. 8, 1824.

INTRODUCTION.

THE attention of the compiler has necessarily been much directed to the early authorities and opinions, illustrative of the principles upon which the Warehousing System was established ; these from lapse of time have become much dispersed, and he has therefore been impressed with the importance of reviving the recollection of them, with reference to the ideas which now seem to prevail. In collecting the following official notices of that System, it is his object to show that it forms a separate and distinct branch in commercial legislation, and that it is erroneous to apply to it, that line of policy which is at present pursued in respect to the foreign commerce of the country.

In this attempt the compiler has endeavoured to divest himself of all partial feelings, and is

desirous that he should be considered as expressing his individual opinions, and not writing as Secretary of the West India Dock Company.

The Right Honourable Thomas Wallace, in his celebrated speech on the 25th of June 1821, marked out the line of distinction thus—"From the view I am at present taking, I studiously exclude all acts arising out of the necessity of creating revenue, or for the protection of particular manufactures—these stand on principles not only distinct from commerce, but in some degree adverse to it, and rest on grounds of particular expediency—with these I have now nothing to do. It is to trade itself to which I look—to settle the law relating to the places from which—the ships in which—and general regulations under which, it is to be carried on." This passage clearly designates the general purview of the navigation laws, as distinguished from those for the security of the revenue, and the protection of national industry which, strictly speaking, constitute the *Warehousing* System.

Admitting that the bills introduced by the Right

Honourable Gentleman for the removal of some of the restrictions of the Navigation Laws are calculated to prove highly beneficial to commerce, the compiler cannot admit that every speculative innovation upon the Warehousing system must of course partake of their merit, being convinced that in the exact proportion in which facilities are afforded in the one instance, the more rigid precautions ought to be adopted in the other:—This opinion is thus confirmed by the Right Honourable Gentleman himself:—“ As it is my object to invite and facilitate as much as possible, by every degree of practicable freedom, importation for the purpose of subsequent exportation, and as with this view I am prepared to relax the existing provisions of the navigation laws, so far as to allow an entry to goods and merchandize, in any ship, and navigated in any manner whatever; on the other hand, I feel that for the sake of preserving those laws, as they affect importation for the supply of the country, peculiar precaution must be resorted to, that goods not imported under the restrictions prescribed by the act of navigation may not come into consumption under any pretence, or

by any authority whatever ; and the strictest regulations will be made on that subject."

The following extracts will show that the true policy of a well-regulated warehousing system was as thoroughly understood in former days as it is at present ; and that that system has been extended as the foreign commerce increased, and as sufficient means were in consequence provided, by the erection of secure warehousing establishments.

The commerce of the country has flourished, in proportion to the extension and improvement of the system, as aided by those establishments ; and the question for consideration is, whether a steady perseverance in the safe and prudent course heretofore successfully pursued, would not be more consistent with sound policy than a speculative departure from it, in deference to the too prevailing disposition to view the results of past experience as " prejudices which have nothing but the rust of antiquity to recommend them."

PREFACE

TO THE

SECOND EDITION.

THE author of this Tract has expressed himself desirous of being considered as not writing in his capacity of Secretary to the West India Dock Company.

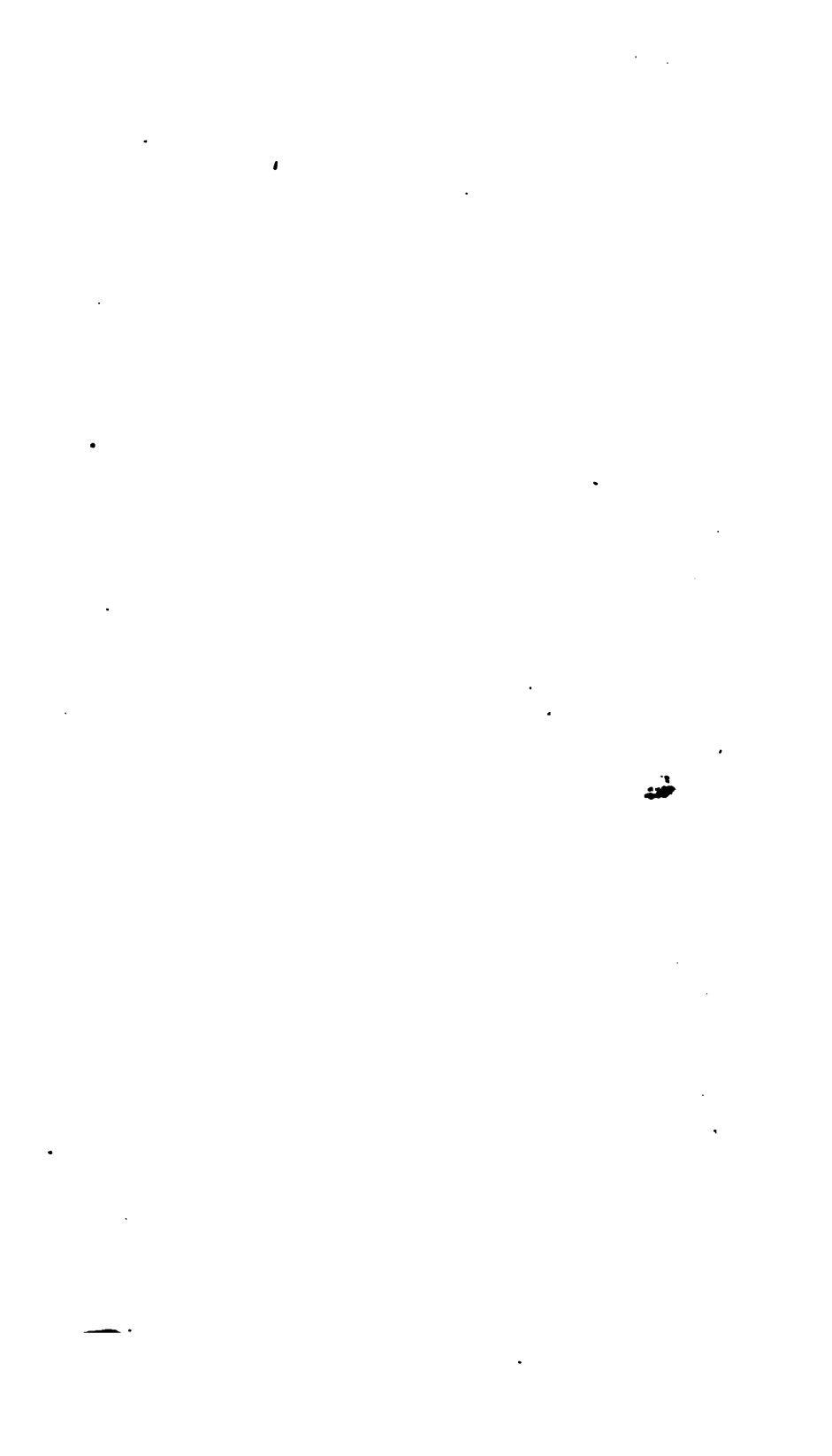
He thinks it right to preface this Second Edition with a renewal of the expression of this wish, in full confidence that honourable minds will not necessarily consider his connexion with that establishment incompatible with the honest and impartial treatment of a great public question ; or consider a charge of undue partiality proved against him because he advocates its interest, in

common with that of others, which would suffer by incautious innovations in the Warehousing System.

The experience arising from that connexion has conscientiously convinced him that such innovations would be equally injurious to the public; and the avowed and distinct object of this publication was to prevent their adoption.

In an anonymous publication, purporting to be a "Review" of this Tract, the charge of dishonest partiality is brought against the author, with much vulgar and illiberal abuse against the West India Dock Company. He had anticipated that this mode of attack would be resorted to in place of argument, by some of those interested in the dangerous speculations of the day: the personal abuse, therefore, he despises; the misrepresentations with which it abounds will be best answered by reference to the passages misrepresented; and the charge of partial omission, by the irrelevancy of the passages quoted as necessary to the elucidation of the subject.

The author disdains any thing like recrimination, where the charge made against him is so grossly unfounded : it cannot, however, be overlooked, that the writer of the illiberal attacks upon his motives has chiefly made use of this Tract as a vehicle for recommending one of those speculations, which he calls “ proposed Improvements of the Port of London.” The main question of the security of the revenue remains untouched by him, while the necessity for more accommodation is assumed without proof. The author, therefore, leaves his Tract before the public, without any apprehension of the result of a comparison between the motives of one, who, holding an office which gives him the necessary experience, if not some degree of authority to speak upon this question, and who, from the consciousness of his impartiality, puts his name to his work ; and a writer, who impugns the sincerity of his motives, on the ground of his being connected with a warehousing establishment, while the same writer acknowledges himself an interested party in the erection of a rival one.



THE

WAREHOUSING SYSTEM.

THE Warehousing System, as far as it implies the depositing of goods in warehouses without payment of the import duties, is not of very remote origin; and therefore any research as to the early exercise of the authority of the Crown or Parliament regarding it would be irrelevant on the present occasion.

Inasmuch, however, as the privileges which attach to the legal Quays throughout the kingdom, as the only places where goods can lawfully be landed and the duties ascertained, must form an important subject of consideration, we commence these extracts with the preamble of the Act of the 1st of Elizabeth, cap. 2., entitled

“An Act limiting the time for laying on land merchandizes from beyond the Seas, &c.”

“Most humbly shewing beseechen your Highness, your Lords and Commons in this present Parliament assembled, that where the sums of money paid in the name of customs and subsidies of wares and merchandizes transported out, and brought into this your Highness realm of England, by any merchant, stranger, or denizen, is an ancient revenue annexed and united to your imperial crown, and hath in the time of king Edward the third, and other your most noble progenitors, amounted to great and notable sums of money, till of late years many greedy and covetous persons, respecting more their private gain and commodity, than their duty and allegiance, or the common profit of the realm, have and do daily, as well by conveying the same their wares and merchandizes out of

creeks and places where no customer is resident, as also by or through the negligence or corruption of the customer, searcher or other officer, where they be resident; as by divers other fraudulent, undue and subtile practices, and devices, convey their goods and merchandizes, as well brought from the parts beyond the sea, as transported out of this your realm of England, without payment or agreeing for the payment of the customs and subsidies therefore due; (3) whereby the yearly revenue aforesaid is very much impaired and diminished, to the great loss and damage of your Highness, and to the great burden and charge of your loving subjects, who by occasion thereof, have of late years been more charged with subsidies and payment for the supplement of the said loss and damage, than else we should have been."

"That it may therefore be enacted by the authority of this present Parliament, that it shall not be lawful to or for any person or persons whatsoever, from and after the first day of September next coming, to lade or put, or cause to be laden or put off from any wharf, quay, or other place on the land, into any ship, vessel, crayer, lighter, or bottom, any goods, wares, or merchandizes whatsoever (fish taken by your highness's subjects only excepted), to be transported into any place of the parts beyond the seas, or into the realm of Scotland, (2) or to take up, discharge, and lay on land, or cause or procure to be taken up or discharged out of any lighter, ship, crayer, vessel, or bottom, being not in a leak or wreck, and laid on land, any goods, wares, or merchandizes whatsoever (fish taken by any of your highness's subjects and salt only excepted), to be brought from any the parts beyond the sea, or the realm of Scotland, by way of merchandizes, (3) but only in the daylight, that is to say, from the 1st of March until the last of September, betwixt sun-rising and sun-setting; and from the last of September until the first of March, between the hours of seven in the morning and four at the afternoon; (4) and in and upon some such open place, quay or wharf, places, quays or wharfs, as your highness, your heirs or successors, shall on this side the said first day of September

therefore assign and appoint by virtue of your highness's commission or commissions within your grace's ports of London, Southampton, Bristol, West-chester, Newcastle, and the suburbs of the same and every of them; (5) and in some open place, quay or wharf, places, quays or wharfs in all other ports, creeks, havens or roads (Hull only excepted), where a customer, comptroller and searcher of such ports, havens, creeks or roads, and every of them or the servants of any of them, have by the space of ten years last past been accustomedly resident, or hereafter shall be resident, (6) upon pain of forfeiture of all such goods, wares or merchandizes so laden or discharged contrary to the true meaning of this act, or the value thereof."

This act was recited in, and further authority given to the crown by the 13th and 14th of Charles II.; but that authority was not exercised as respects the port of London beyond the first grant of the privilege, it appearing by the Second Report of the Committee of the House of Commons of 1799, that "the present legal quays below London-bridge, which were established by a law passed in the reign of Queen Elizabeth, have not been enlarged since that time."

As the inadequacy of the legal quays was felt, a partial remedy was found by establishing sufferance wharfs; but this measure appears to have been altogether ineffectual, although carried to a greater extent than was deemed consistent with the security of the revenue. The following document will show the total want of proper system at those wharfs in former days, and will point out the principle by which the Board of Customs have been most properly guided in endeavouring to prevent undue charges being brought against the public for the attendance of revenue officers:—

" Regulations of the Commissioners of the Customs respecting Sufferance Wharfs.

" Custom House, London, 13th May, 1789.

" By the commissioners for managing and causing to be levied and collected his Majesty's customs.

“ The commissioners having repeatedly had under their consideration, the state of the sufferance wharfs in the Port of London, and the various reports of the surveyors general, the landing surveyors, and the principal officers in the Wood Farm, in return to the board’s orders of reference relative thereto ;—

“ Resolved, That the number of sufferance wharfs is increased beyond what is necessary for the discharge of such goods as either, from the nature of some of them, ought not, or from occasional want of room for others, cannot be landed and properly examined on the legal quays.

“ That it appears that this revenue has been put to an unnecessary expense for the attendance of weighers at the said wharfs.

“ That at some of said sufferance wharfs no goods are discharged, but those imported by, or belonging to the proprietors of them.

“ That many of the said wharfs are situated at a great and inconvenient distance from the legal quays, whereby the labour of the discharging officers is not only considerably increased, and their attention harassed and divided, but the superintending officers are also deprived of the opportunity of inspecting the conduct of their inferiors, with that facility and punctuality which their duty requires.

“ That from the remote and private situations of some of the wharfs in question, the revenue is more especially exposed to hazard, and from the want of sufficient space, the business cannot be commodiously or safely transacted thereon.

“ That there are some wharfs to which no access can be had by land, but through the dwelling houses of the proprietors and others, which are or may be shut from the river at their option ; so that if the proper officers are not present to make an immediate examination of the goods, at their landing, the quantity of the customable articles may be diminished, and the prohibited (if any) be taken out of the packages, and conveyed away.

“ To remedy the foregoing inconveniences, and for the greater security, in future, of this revenue, the commissioners, upon the most mature deliberation,

“ Resolve, that from and after the 5th of July next, no sufferance be granted for the landing of foreign goods at any private wharf, that is, a wharf where other merchants do not indiscriminately land their goods, as well as the owner or proprietor of such wharf.

“ That no sufferance be granted for landing foreign goods, on any public wharf beyond the wharf commonly called Brown's, near the Hermitage Bridge, on the north side of the river, and St. Saviour's Dock, on the south side, below London Bridge, except his Majesty's yards, Deptford and Woolwich, the wharfs now used by the East India Company, and those at Greenland Dock and Blackwall for the landing of cargoes of ships from the Greenland or Southern whale fisheries; and that no foreign goods be landed, by sufferance, above London Bridge, except iron.

“ But as the board think it essential and necessary, for the safety of the revenue, to confine the foreign sufferance business to the public wharfs, and to circumscribe the limits, beyond which no sufferance will in future be granted, so they resolve to grant sufferances to all the wharfs within the said limits, which do now, or hereafter shall appear to be public wharfs, secure, sufficiently spacious and commodious, open to the river, and accessible, at all times, both by land and water, to the proper officers of this revenue, provided it shall appear, when persons apply for such indulgence, that from the nature of the goods, or want of room, the same ought not, or cannot be landed and examined on the legal quays; and as the following wharfs appear to the board, from the report of their officers, to be within the said limits, and to fall within the above description;

“ Resolved, That foreign goods be permitted to be landed, by sufferance, at the wharfs commonly called Iron Gate, Watson's, Hawley's, and Brown's, on the north side of the river; and Chamberlain's, Cotton's, Hay's, Beel's, Griffin's, Symond's, Stanton's, Davies, and Eustace's, on the south.

“ But it having been represented to the board, that goods coastwise have usually been landed at the above wharfs, and that they are sufficiently spacious to admit of being divided, so as to allot convenient room for the landing and proper examination of foreign goods, the board deeming it requisite, for the safety of the revenue, that such a division should be made,

“ Resolved, That in all cases where the coast business shall be continued at any of the above wharfs, the part to be allotted for the landing of foreign goods be separated and kept distinct ; and the board will not grant sufferances to any of the above wharfs, where the coast business is continued, till this condition is complied with : But as Topping’s wharf is represented not to be sufficiently capacious to admit of landing both foreign and coast goods, the same is likewise to be continued for landing of foreign goods only.

“ That foreign goods be also permitted to be landed at Carrington’s, Hoggarth’s, Scott’s, and Meriton’s wharfs, on the south side of the river, on condition that such goods be landed on open wharfs only. And also resolved, that no iron be permitted to be landed by sufferance below London Bridge, but at the public wharfs within the limits, nor above London Bridge, except at Dyer’s Hall and the Steel Yard, those being the only public wharfs above the said Bridge where iron has usually been landed.

“ And resolved, That rough marble, marble blocks, mahogany, and other bulky woods, not liable to duty, which were formerly landed at sufferance wharfs, be in future examined and measured in the lighters alongside the ship importing the same.

“ Resolved, That the wharfingers of all such wharfs as are to be continued under the aforesaid resolutions, do enter into bond, under the penalty of five hundred pounds, as a security to the crown, for their fair dealings towards this revenue.

“ And to prevent any charge to this revenue, by the attendance of weighers and watchmen at the several wharfs before mentioned,

“ Resolved, That the expense of such officers’ attendance

at said wharfs be defrayed by the respective wharfingers ; and that the proper beams, scales, and weights, be provided at their expense ; and likewise that a proper place be appropriated for the purpose of securing the same under the king's locks, every evening after the work is done.

“ And to the end that the before-mentioned resolutions may be publicly known, copies of them are, without loss of time, to be printed and affixed up in the landing surveyors', landing waiters', and Wood Farm offices, in the Long Room, the Lobby, and in the several public passages and places in and about the Custom House.

“ JOHN GALE, Secretary.”

The improvements which have been made in the port of London embrace a vast extension of the legal quays, as well as the sufferance wharfs, the whole of the quays of the East India, West India, and London Docks, having been established as *legal quays*, by the authority of Parliament ; and the wharfs of the East Country, and Commercial Docks *sufferance wharfs* ; certain goods are also landed on the wharfs of the Regent's Canal and Surry Canal.

The warehousing system was extended as these improvements were made, and the grounds on which the Legislature was induced to grant privileges to the different companies, in consideration of the advantages likely to result to the public from the erection of close docks, are fully developed in the valuable Reports of the Committees of the House of Commons.

In quoting from these authentic sources of information, we shall commence with the following extract of a Report from the Commissioners of Excise, dated 10th July, 1799, and appended to the Parliamentary Report of that year, as taking a distinct and clear view of the subject :—“ We humbly report that, as commissioners appointed to manage and collect a settled revenue, we have upon several occasions, when called upon for that purpose, reported our sentiments upon the great question of a *general warehousing system*, in which, not conceiving ourselves required, nor indeed, had we been required, should we have felt ourselves competent, to give any opinion upon the subject in a com-

mercial or *political* point of view, we have therefore always endeavoured to confine our observations to the collection and security of the revenue with which we are entrusted; and this, not merely because the receipt of the money, in the case of commodities warehoused, is necessarily postponed, but (what has ever appeared to us of much more importance) that in regard to such excisable commodities as are, and have for some years been warehoused on importation, much fraud and evasion have been practised; and not being in the present instance called upon to state our objections to a general warehousing system, we proceed without further preface literally to obey the order we have received, earnestly hoping however, that whatever excisable commodities, it may in the opinion of the Legislature be thought expedient to warehouse, they will only be allowed to be deposited in such *detached warehouses*, as may be hereafter erected, and *encompassed by proper walls*.

“If such warehouses were provided, and none other employed, we believe that, even though the warehousing of excisable commodities were more general than at present, the revenue might be as well, if not better secured, than under the existing system, which admits of the merchants and importers providing their own warehouses, in situations and under circumstances very favourable to the commission of fraud.”

The written evidence of Thomas Irving, Esq., Inspector General of imports and exports of Great Britain (to be found in the appendix of the same report) takes a comprehensive and statesman-like view of the subject.

“In looking forward to the period of peace, when we may expect that those countries, which were formerly our rivals in trade (but whose commerce and manufactures have in a greater measure been annihilated by the War,) will attempt to resume their competition, it will, I am persuaded, be found highly for the interest of this country, to remove some of those burthensome regulations under which our trade at present labours, in order, not only to secure a continuance of that extensive commerce we now possess, but also to extend and improve it in future. Of these, the heavy advance of duties, at perhaps a much

earlier stage than the safety of the revenue requires, the immense expense of port charges, particularly in the port of London, are objects which more immediately claim attention.

“ Commerce early becoming an object of importance in this country, and the merchants being possessed of a large proportion of the circulating money, it was natural for the state to look to imposts on trade, as a source of revenue. This system of taxation, which commenced at a period almost coeval with the origin of our foreign commerce, has ever since been progressively extended, and at this time we draw upwards of nine millions of pounds, gross revenue, from duties on imports and exports ; of which about five millions five hundred thousand pounds are collected immediately on importation. The advance of so large a sum, at a period much earlier than the safety or interest of the revenue demands, and of which about one million five hundred thousand pounds are repaid on exportation, must not only prove extremely distressing to the merchant, but also the means of actually drawing so much money, together with the mercantile credit fairly attached thereto, out of the active capital of trade, for which the public receives no adequate compensation by the temporary use of the money.

“ This heavy advance of duties has also hitherto been in part the means of depriving us of a branch of trade to which we have the fairest pretensions.

“ As a general depôt of the products both of the north and south of Europe, and also the Eastern and Western World, we possess many great and striking advantages, from our local situation, relatively both to Europe and America ; from our possessing almost a complete monopoly of the trade of India and China ; from the variety and superior quality of our manufactures, suited to every market ; from the powerful influence of our great mercantile and manufacturing capital, and from the wisdom, energy, and enterprising spirit of our merchants.

“ By admitting all the principal articles of merchandize to be deposited in Warehouses immediately on importation, and requiring no part of the duties to be advanced, until delivered out for home consumption, or if exported,

to be subject to no duty whatever, the revenue would also, in my humble opinion, be generally benefited.

“ The profit the merchant expects is generally in proportion to the amount of the capital he employs, and to the length of time he is in advance of that capital. Thus, by the duties being paid perhaps six months earlier than (as has already been observed) the safety of the revenue requires, and from the articles generally passing through the hands of several different dealers, each of whom considers himself entitled to a profit on the money he invests, the price is greatly enhanced to the consumer, and a powerful temptation is thereby held out to the smuggler, to enter into a competition with the fair trader. The same remark also applies, with equal force, to the state of our competition in foreign markets, particularly in East and West India commodities.

“ The business at the Custom House, which, from the present complicated state of the laws and regulations, is almost entirely transacted by brokers, at a very heavy expense to the merchants, would be greatly lessened by the warehousing system. A cargo on its arrival would perhaps be admitted into the warehouse by the operation of one single entry, which every merchant's clerk would, I conceive, be competent to make ; and when delivered out for home consumption or for exportation, the entries required would be simple and easy.

“ But this system of warehousing all goods on importation would be essentially aided by the plans which have been in agitation for some time past of erecting close docks and warehouses on the river Thames. Ships on their arrival would proceed directly into these docks, and be discharged of their cargoes under the immediate eye of the principal out-door officers of the Customs, without being subjected in any degree to those enormous depredations which are at present so loudly, and I believe so justly, complained of ; whilst a great saving would at the same time accrue to the revenue, by a reduction of the number of officers in what is called the Water Guard.

“ This system would also, in a great degree, put an end

to those extensive frauds, which it is generally admitted have hitherto been practised in obtaining drawbacks on goods reported for exportation. Instead of the feeble check of an examination by the searchers, which I believe is the only security the revenue at present has, the goods would be deposited, immediately on importation, in warehouses, and there remain in security until they were conveyed from thence on board the respective vessels for exportation."

The following are questions put to this able and experienced officer, with his replies:—"Do you mean, by the *warehousing* system, a substitute for the *bonding* system?"*—

"By the *warehousing* system, I mean a system of depositing goods in public warehouses, where they are to remain, without the advance of any duties, until they are delivered out for home consumption; and if exported, they shall be subject to no duty whatever."

"Must not the merchandize, in that case, continue under the care and authority of the Crown until it is exported or the duties paid?"—"Certainly it must; but I conceive that there will be a great additional security, both to the crown and the subject, by those goods being landed and *deposited in warehouses surrounded by walls*, which I understand is the plan of wet docks in general."

Mr. Irving further gives written answers to queries proposed to him by the Committee of the House of Commons, as follows:

"The safety as well as the interest of the revenue require, with respect to the *expenses of management*, that the warehouses in which the merchandize is to be deposited under the *warehousing* system, should be as much circumscribed in point of local situation as the necessary accommodation to trade will admit. Regard should also be had,

* The present *warehousing* system certainly was an improvement upon, and substitute for, that which before existed in an imperfect and partial degree, called the *bonding* system; and, it would almost seem to be in contemplation to return to that imperfect system, inasmuch as certain goods may, if approved by the Commissioners of Customs and Excise, be deposited in warehouses which are not places of special security, and, in such cases, *Bonds* for the security of the Duties are to be given, 4th Geo. IV. cap. 24, s. 15.

in the classing of the goods deposited in the warehouses, to particular branches of trade."

After stating his opinions as to a proper classification, Mr. Irving proceeds :

"The leading principle of the warehousing system virtually carries with it a sufficient compulsory power to oblige the merchants to deposit their goods at particular places; because such goods as fall under the warehousing system will only be entitled to a suspension of the payment of the duties on their being deposited in warehouses allotted by the public for their accommodation.

"Before I conclude this part of the subject, it may be necessary to apprize the Committee, that, in general, the property of the ship, and that of the cargo, are vested in different owners; and that if the power is left with the former of proceeding immediately into the docks, or otherwise as they see fit, great inconveniency would often accrue to the latter.*

"In erecting warehouses on the legal quays, regard would no doubt be had to the arrangement of particular branches of trade. The linens would be deposited in one establishment of warehouses, in order to save expense to the revenue in the number of officers required to attend these warehouses, and the same principle of economy would apply to every other article to be warehoused.

"In answer generally to the question of the Committee, I am of opinion, that the proposed docks and warehouses at the Isle of Dogs and Wapping, together with the warehouses to be erected on the legal quays, and also suitable storehouses, perhaps on the other side of the river, appropriated to articles of a combustible nature, would be the most convenient distribution of, and afford the most ample accommodation to, the trade of the port of London, under the warehousing system.

"The effect of this system, and the arrangement and accommodation proposed, with a reduction of the port charges, would probably be the means of rendering, to a very considerable extent, the principal ports of Great

* Vide evidence of Wm. Mitchell, Esq. in note p. 39.

Britain a *dépôt* for the general trade of Europe, India, China, and America.

“ London possesses many great and special advantages ; from local situation, the mouth of the river Thames being nearly opposite to the centre of the eastern coast of Europe, from the immense demand within itself, and also from its being the general *dépôt* from whence all the eastern coast of this kingdom is in a great measure supplied with foreign merchandize ; from its being the greatest emporium of trade in the world, whereby cargoes of all descriptions find in general a ready and profitable market ; and, finally, from its merchants and dealers having the command of capital to any extent. If to these advantages are added the facilities proposed to be given, I am persuaded that it would possess a very large share of the *dépôt* trade, and likewise that every other branch of its trade, great as its trade is at present, would be much increased.

“ The quantity of British West India products imported circuitously through the British colonies in North America, is in general too inconsiderable to merit notice ; but the quantity and value of the produce of the foreign West Indies, imported from the states of America, constitute a great object of trade. These articles are not imported in whole cargoes, but generally form a part (and often a very small part) of the cargoes of a number of ships arriving from the states of America. The government has, in my opinion, very wisely encouraged this branch of trade, because it forms a part of the great system of commercial policy, connected with the warehousing system, viz. that of rendering the ports of this kingdom a general *dépôt* for foreign merchandize.

“ To oblige all these vessels to enter the Isle of Dogs, in order to deposit often so small a part of their cargo, would certainly tend greatly to discourage this branch of trade, because it would subject the merchants to a very considerable, and, in my opinion, a very unnecessary degree of trouble and expense. I would therefore recommend that the owners or agents of articles, being the produce of the foreign West Indies, or of any of the continental colonies

of America belonging to foreign European powers, should be at liberty to deposit these articles either in the proposed docks at Wapping, or at the Isle of Dogs; and that they should be conveyed in lighters where the quantity was not sufficient to render it an object for the proprietor to carry the ship into the docks."

These opinions could not fail to have their due weight, and we find that the Committee reported to the House as follows (p. 10):—"Upon this subject your Committee also think it necessary to call the attention of the House to the evidence of Mr. Irving, the Inspector General of the Imports and Exports of Great Britain, taken before former Committees, conceiving that it throws very important lights upon a matter in which the political and commercial interests of the country are deeply concerned; inasmuch as the system in question tends to render this country a general dépôt for the trade of other countries, and must necessarily increase the amount of its active capital,* together with the amount of the mercantile credit attached to it. And from his further evidence upon the present occasion, your Committee collect, that if it should be deemed expedient to carry the warehousing system beyond the articles which the Commissioners of Customs and Excise have proposed to begin with, there are many to which the same principle might be conveniently applied."

The articles to which the Revenue Boards thus proposed to limit the privilege of warehousing, we find from the Report were, on the part of the Customs, "wine, brandy, geneva, and British plantation sugar;" on the part of the Excise, "cocoa-nuts, coffee, brandy, geneva, rum of the British plantations, tea, tobacco and snuff, wine, and salt; and that these should be permitted to be lodged in such warehouses as are *detached and encompassed with walls.*"

It is unnecessary to state in detail the extension of the

* The active capital employed in commerce has not only been increased by the amount of the monies which were formerly advanced in payment of duties, but, in addition thereto, in those dock establishments, in which the business is securely and systematically conducted, *the goods themselves* represented by duly authenticated documents, become as active and available capital as money in the funds.

warehousing system which has since taken place, but it may be well to advert to the considerations which called for the prudent and guarded course which the Revenue Boards recommended.

With this view the following extracts from the ~~earliest~~ Report of the Board of Customs, viz. that of the 16th of May, 1796, are given :—" The necessity of this investigation, and the utility of the measure to which the several proposals relate, rest on the ground that the accommodation at present legally afforded to the merchant in the port of London, for the dispatch of his business and the security of his property, is inadequate."

" Quays.

" For the first and principal evil, the inadequacy of the present legal quays, the plain and sole remedy is their extension. The quantum of that enlargement, and the most fit and commodious places for such addition, are the points in research. A sufficiency of space, and capacity within reasonable and expedient limitations, yielding rather amplitude for, than tending to confinement in, the transaction of business on the quays, ought, we think, to be provided for the merchant. The concerns of revenue, we are of opinion, would profit by such a system. The officers, whose duty it is to act upon the quays, would be enabled to discharge every branch of their employment in a more orderly, accurate, and perfect manner; dispatch, alike advantageous to the Crown and the merchant, would be promoted; due examination, inspection, superintendence, and control, would be facilitated thereby; irregularity, error, delay, fraud, and plunderage, occasioned or covered by crowd, confusion, and intermixture of the different species of goods, must necessarily be less frequent, and obviously be more open to detection.

" The modes proposed for the attainment of an extension of quays by the merchants we only learn by a bill now pending in Parliament, and an engraved plan transmitted to us. By the 41st section of the said bill, we observe it is provided,

“ ‘ And for the more general benefit of shipping, and of the trade and commerce of the said port, the said company shall and may also build, or cause to be built, from time to time, quays and wharfs adjoining to the said docks and basons, convenient and sufficient for the trade and business of the dock, for the landing and discharging, lading and shipping of any goods, wares, or merchandize that may or shall, at any time or times, be legally landed or shipped at the said quays or wharfs; and, for the greater accommodation of the trade of the port of London, the said quays and wharfs shall be deemed and taken, and are hereby declared to be deemed and taken, to all intents and purposes whatsoever, legal quays and wharfs for the landing, re-landing and discharging, lading and shipping of any goods, wares, and merchandizes whatsoever, within the port of London.’ ”

“ A general power is here given to the intended London Dock Company for building, *from time to time*, quays, or wharfs, adjoining to docks or basons proposed to be formed within certain limits prescribed in the bill; the only conditions annexed to the construction of such quays and wharfs are, that *they shall be adjoining to the said docks and basons*, and be *convenient and sufficient* to the trade and business of the landing and discharging, lading and shipping, of any goods, wares, and merchandize that may and shall at any time or times be legally landed or shipped at the said quays and wharfs.

“ Of the fitness and propriety of the quays themselves, thus proposed to be made, we have no materials for judging. Their capacity, extent, breadth, and openness, with other circumstances forming essential requisites for the right constitution of a legal quay, are no ways explained or provided for. As we understand the bill, the mere act of constructing wharfs and quays, according to the mode therein prescribed, immediately imparts to them *the full properties and rights of legal quays, to all intents and purposes.*

“ *The extent of quay thus legalized, where, of consequence, the merchant has a right to claim the attendance of the discharging officer, might be carried under the sanction of such a law to a very great and excessive degree, and the*

number of officers necessary for the port be extremely and unnecessarily multiplied.

“ Under the force of these observations, if just, it is not in our power to report with becoming accuracy, or indeed to form any founded opinion on the aptitude of the quays thus to be constructed, though we have no reason to doubt the discretion of the company, and proper application of the powers so vested in them.

“ But in this place we take occasion to introduce a remark applicable to the subject in general. It is this : That proximity to the office where the business of the department centres, where the duties are paid, where the seat of management, government, and control is fixed, and where the officers in the several branches are of necessity assembled, is a most material circumstance in the selection and designation of a legal quay, and not to be abandoned but upon the ground of urgent and indispensable necessity : And this opinion we give with greater confidence, as being consonant with the judgment of our predecessors in office, when an extension of quays was many years ago in agitation.”

“ Crowded and obstructed state of the River.

“ We now proceed to the second head of our general arrangement, viz. the crowded and obstructed state of the river.

“ That the river Thames is frequently so crowded, as to occasion damage to ships, detention, opportunities for plunderage, interruption to business, and increased expense for demurrage and port charges, is a fact, the truth whereof, we understand, is not to be controverted.—The increased number and size of the shipping of the country, and the number of foreign vessels resorting to the port of London, are the causes of the evil in question ; and if those objects should be progressive, the inconvenience and injury to trade in these respects must augment therewith.

“ In the view of revenue, detriment must arise, inasmuch as the more the vessel is impeded and detained after her arrival at Gravesend, at which place officers of the customs are first stationed on board as a guard, till her final

clearance, when the officers are taken off, the greater opportunity for smuggling is given, and a greater expense for management incurred.—Impediment and delay, in the navigation of the river, are consequently unfavourable to revenue.—The direct and most effectual remedy for this grievance is, the taking a certain portion of the shipping out of the river, by means of docks and basons.”

“ Want of proper arrangement and distribution of the business on the legal Quays.

“The third general head is, the want of proper arrangement and distribution of the business on legal quays.

“Allusions thereto, and suggestions for the removal thereof, we find to be thrown out in a general way, in the explanation of some of the before-mentioned plans.

“We are of opinion, that a regulation of this kind is much wanted, and that the effect thereof would be highly beneficial both to trade and revenue.—The hitherto contracted scale of the legal quays has precluded the possibility of such improvement, upon any plan sufficiently large and distinct; nor does this board at present possess legal authority to enforce the same, if it had been practicable.—Upon the enlargement of the quays, the first impediment to the execution of the measure would be removed; and we should deem it an object claiming our immediate attention to introduce the amendment, if so empowered by the legislature.

“The first great outline of this regulation would be, to keep distinct and separate the import and export trade; and to provide, that no part of the coasting trade should be carried on at the legal quays.

“The confusion and irregularity attending a mixture of these several branches of the custom department, and these different concerns of trade, would be avoided, and openings for fraudulent proceedings, to the detriment of the crown and the merchant, thereby prevented; a considerable acquisition of room on the legal Quays would accrue from the proposed exclusion of the Coasting trade; our practical officers calculate this gain in space to be in

the proportion of one-fifth of the whole present amount, and of one-third in crantage."

"Warehouses.

"Certain articles of commerce must by the laws of revenue be warehoused under the joint custody of the crown and merchant: a sufficiency of warehouse room, to receive articles of this description, the security of such warehouses, and their proximity to the Custom-house, are objects of moment to the crown.—In times of great import of these articles, and during particular gluts of business, the providing of warehouses has been found difficult; should the warehousing system be extended, an increasing demand for warehouse room must be the consequence. If wanted for this purpose, their contiguity to the quays, and the easiness of their access, both by land and water, would be points of essential recommendation in their favour, as well for commerce as revenue.—The speedy clearance of the quays, and the affording near means of housing, would diminish the expense of the Crown in officers' attendance, and particularly that class, termed officially cart followers, whose duty it is to attend the article from the Quays to the warehouse."

In a report from the same board to the Lords of the Treasury, dated 21st April 1797, the following reference is made to their former opinions:—

"In the report alluded to, we proposed a suitable arrangement and distribution of business on the legal quays, as an essential requisite to the improvement of the Port; and suggested that a distinction and separation of the import and export trade, and the removal of the coast trade from those quays, ought to be made the basis of the measure.

"The practical institution of such a system in the most beneficial mode must necessarily involve a variety of commercial and official concerns and transactions, and demand many regulations. Any final judgment or decision thereon, at present, would, we think, be premature and unadvised.

“ Thus impressed, we submit to your lordships’ wisdom whether the most expedient and safe order of proceeding would not be to legalize an additional extent of quay room, fully sufficient for the improvement of the port ; to sanction, by the authority of the legislature, the general principle of a separation and appropriation of the great branches of inward and outward trade to certain parts of the legal quays, in such manner as might be found most secure and advantageous for commerce and revenue ; and proper authority being delegated for that purpose, to commit the executive part of the plan to subsequent accomplishment, under an injunction of all the dispatch compatible with the right and orderly completion of so extensive an object. A system thus introduced would not only have the benefit of proper antecedent inquiry and deliberation, but it might be matured, and from time to time perfected, under the aid of experience.”

On the 24th of March 1798, the Commissioners of Customs, in a further report to the Lords of the Treasury, again emphatically refer to their general views upon this important subject thus :—“ Without entering into the comparative aptitude or merit of the different proposed plans for docks, as far as the same are to be applied to the purpose of legal quays for the examination and delivery of articles of commerce, and having due regard to those momentous objects, the welfare and convenience of trade and revenue, we think we should be wanting in our duty if we omitted, with becoming deference, to repeat our opinion, that the most solid and perfect plan for the amendment of the port of London, as well to meet the present, as what we trust will become hereafter the increasing and progressive state of the commerce thereof, will be by the adoption of some such aggregate principles of improvement as we have had the honour to lay before your lordships in our before-mentioned report of the 16th May 1796.”

In their report of the succeeding year, (30th May 1799) the Commissioners offer the following remarks :

“ Recurring to certain of the leading principles which

governed us, in framing opinions on the plans for the improvement of the port of London, heretofore submitted, we think it right to observe, that should the system of docks be adopted not simply as receptacles of ships, in easement of the crowded state of the river, or for the purpose of unloading the cargoes of vessels into lighters, to be afterwards discharged at the legal quays, but for ultimate examination, ascertainment of the duties due to the crown, and delivery, the plan of the London docks, in the essential circumstance of contiguity to the centre and seat of business, has obvious claim to preference; and that on the other hand the plan of the West India Trade, though less eligible in regard of locality, being designed for the reception of one valuable and extensive branch of commerce, is more consonant with that appropriation and distinction which we recommended wherever it could with propriety be introduced, as highly conducive to the mutual accommodation and benefit of trade and revenue.

“It may not be immaterial to remark, that both of the plans, as we understand them, are confined to imports, and consequently it does not appear how far a separation or intermixture of the import and export trade may be intended.”*

Throughout the whole of these able reports, the great object appears to have been, to bring the port of London into the most perfect state of improvement of which it was capable, in the conjoined view of commerce and revenue; in fact, first to adapt the port, by the construction of proper establishments, and then to extend the warehousing system.

The report of the select committee of the House of Commons of the 1st of June 1799 concluded the laborious investigation of this important subject, and led to the construction of the West India and London Docks; it states:

“Your Committee next proceeded to examine the two

* A total separation of these two branches was, on the recommendation of the revenue boards, made at the West India Docks. The East India Dock Company also have an export dock; and the London Dock Company obtained powers by a recent act to complete their original plan in that respect by forming one.

plans proposed for establishing wet docks at Wapping and in the Isle of Dogs. Each of these plans appear to your Committee to have peculiar advantages attending it, and the speedy adoption of either would be a great relief and advantage to the whole trade of the port. The contiguity of the proposed wet docks at Wapping to the centre of trade, where the merchants transact their business; their vicinity to the Custom-house, and to the warehouses already existing,* where the cargoes might be deposited without delay; and the saving of lighterage attendant on this plan, are all advantages with which your Committee are strongly impressed, and which have recommended this plan most seriously to their attention.

“ On the other hand, the situation of the Isle of Dogs is peculiarly adapted for large ships, from being lower down the river; and in the event of docks being established there, ships would enter more immediately from sea, and would avoid the circuitous passage of the Isle of Dogs, which is a navigation attended both with danger and delay, particularly to ships of that description. The result seems to be, that the Wapping plan would afford the greatest convenience to small ships, which comprize the far largest proportion of shipping and trade. The establishment of docks at the Isle of Dogs would answer best for large ships, and particularly for those employed in the West India and East India trades.

“ Your Committee have no hesitation in delivering it as their opinion, that it is desirable that docks should be established in both of these situations, and that they would be in no respect incompatible with each other: But, considering how important it is that something should be done without further delay, your Committee have unanimously resolved most earnestly and decidedly, to recommend the immediate adoption of the plan of the Isle of Dogs. They are induced to give the preference to this plan, from the very great advantage of providing for large ships in a manner which would enable them to avoid the danger and delay

* The preference here expressed seems to have arisen from a supposition that sufficient warehouses were not to be provided within the docks; and that it would be still necessary to bring goods up to those which were contiguous to the Custom-house.

of the circuitous passage, from the consequent relief it would immediately give to the shipping in the higher parts of the river, and from the consideration of the comparatively small expense at which it could be executed, and the comparatively small space of time in which it could be begun and completed."

The act for establishing the West India Docks in consequence was passed on the 12th July 1799, and the London Dock Act on the 20th June 1800; in these acts, as well as the Warehousing Act, passed in the year 1803, regard was had to the arrangement of ships and goods*, not merely as an encouragement to the projectors of the docks, but as may be fairly assumed from the extracts we have made, with a conjoined view to revenue as well as commerce.

The same was the case with the East India Docks, established simultaneously with the Warehousing Act in 1803; and with the Commercial and East Country Docks, the former established by an act passed 20th June 1810, (50th Geo 3, cap. 207. Loc & Per.); the latter by the act of the 51st Geo. 3, cap. 171, (Loc & Per.) on the 15th June 1811.

The latter docks evidently arose out of the suggestion contained in Mr. Irving's able comments, where he stated,

"In answer generally to the question of the Committee, I am of opinion, that the proposed docks and warehouses at the Isle of Dogs and Wapping, together with the warehouses to be erected on the legal quays, and also *suitable storehouses, perhaps on the other side of the river, appropriated to articles of a combustible nature*, would be the most convenient distribution of, and afford the most ample accommodation to, the trade of the port of London under the warehousing system."

The Commercial Docks are confined to "ships or vessels laden with timber or wood *only*, or with timber or wood being the *principal* part of such cargo, although the remainder of such cargo should consist of hemp, flax, pitch,

* "I do not say no advantage is derived from a limited number of articles, or even of articles of great demand of a single kind, being collected in one spot—we have *proofs to the contrary*."—(Mr. Wallace's Speech.)

tar, tallow, or fish, or ships laden with fish oil, blubber, and whale fins, or any other goods, wares, and merchandizes, *usually delivered afloat by river sufferance.*" The bare enumeration of these articles conveys instant conviction to the mind as to the expediency of separating them from the general importations of the port; and to guard against any interference with the privileges of the other docks and legal quays, the clause concludes thus: " Provided always, that nothing in this act contained shall extend, or be construed to extend, to make any of *the said docks or wharfs, under this act*, LEGAL QUAYS, or to empower the said company to land or load any such goods, without the SUFFERANCE of the commissioners of customs, granted for that purpose; provided also, that nothing in this act shall extend, or be construed to extend, to compel any ships or vessels to enter into the said docks or PONDS, OR ANY OF THEM."

In consequence of the privileges of these docks extending no further than those of the sufferance wharfs, and of no vessels being compelled to frequent them, the proprietors are allowed to divide their profits without limit; but, in consideration of the privileges granted to the East India, West India, and London Dock Companies, ten per cent. is fixed as the maximum of the dividend, which they can at any time receive.

The restriction as to dividend in the latter cases can only be regarded as a security to the public against undue profits being derived, in consequence of the privileges conceded to the different companies; privileges which (particularly as regards making their wharfs legal quays) must be considered as purchased for them by the general trade of the port, the proprietors of the ancient legal quays having been compensated out of the tonnage rate upon all shipping frequenting it.

The restraint upon the East India, West India, and other Trades, which were confined to the different Docks, was limited in each case to a period of 21 years, but the privilege of being legal quays is perpetual; none of the Companies therefore have any claim to a continuance of their exclusive trades, after the expiration of such periods of

21 years, but they will all continue to possess the vested right of property in their wharfs *as Legal Quays*, that right having been granted to them as one of the main inducements to embark in their respective undertakings.

Where the Docks were undertaken, as in the case of the Commercial Dock Company, with the express declaration of the Legislature that nothing in the act should "extend, or be construed to extend, to make any of the said Docks or Wharfs under this act *Legal Quays*, or to empower the said Company to land or load any such goods without the *sufferance* of the Commissioners of Customs," the privilege cannot be claimed as a matter of right under any circumstances, and if the trade of the port should be so extended as to render the existing Quays and Docks altogether insufficient for its accommodation, then can such companies have no greater claim than any projectors of new docks or quays; and it even seems doubtful whether the proprietors of the old *sufferance* Wharfs would not in such case have a prior claim.

But, the three principal Docks may, with justice and propriety, approach the Legislature, and seek to be protected in the possession of the rights conceded to them, under the sanction of their respective acts; rights which were not limited by the then existing wants of the port of London, but extended to contingent provisions for the future accommodation of its trade. The clauses granting the particular privilege of being legal quays are all similar; they empower these Companies "*from time to time* to provide Quays, Wharfs, and Warehouses, convenient and sufficient for the trade and business of the Docks, and for the landing, &c. of such merchandize as shall or may, *at any time or times*, be legally landed or shipped at the said Quays or Wharfs." If, therefore, the trade of the port should at any time require an extension of the legal quays, it must be first shown that these companies are unwilling or unable to provide the additional accommodation, before the right of doing so can be conceded to others; more especially so, if it should appear, as no doubt it would, that such concession would be prejudicial to the interests of those to whose public spirit and

enterprise the country is indebted for these magnificent commercial establishments.

In the extracts already given from the reports of the Commissioners of Customs under the title "Quays," it will be found, that the Government and the Legislature were duly apprised of the extent of the privilege they were conferring, and that "the mere act of constructing wharfs and quays would immediately impart to the companies *the full properties and rights of legal quays to all intents and purposes*;" it will also be found, that although the Commissioners expressed some apprehension that the extent of quay thus legalized "might be carried under the sanction of such a law to a very great and excessive degree, and the number of officers necessary for the port be extremely and unnecessarily multiplied," they declared they had "no reason to doubt the discretion of the companies, and proper application of the powers vested in them."

Had not the privileges of legal quays been granted to them, it is quite clear that these docks, constructed for the reception of merchandize which could not otherwise have been lawfully landed therein, would never have been undertaken. The concession of these privileges was the primary and fundamental condition of the compact between the public and the projectors; the further inducement held out to the latter, by the offer of the exclusive right to receive particular branches of trade for a limited period, was only a secondary and collateral consideration:—As the privilege of being constituted legal quays was not granted without annexing to it important conditions to which the grantees are still bound, so the grant must be held to be binding upon the Legislature and the public, *and this in good faith*; for should the same privileges be extended to others at pleasure, then would the original grant become of no value.

In the case of the West India Dock Company, the exclusive privilege of receiving the whole of the West India trade has ceased for more than twelve months; that company therefore must, for the future, mainly rely upon their "full properties and rights as legal quays." This view of the rights of the principal dock companies is essential to a

due consideration of the projects for extending the warehousing accommodations of the port, and it will be well to regard the further claim which the "companies have from the necessity they were under of surrounding their docks with high walls, that having undoubtedly been one of the conditions under which those rights were granted."

A candid perusal of the various original reports already quoted will clearly prove that this was the case, and that this expensive precaution was enjoined, not for the advantage of the proprietors of the docks, but for the security of the public revenue.

If any doubt could be entertained upon this point, it must be removed by a perusal of the 4th section of the act of the 47 G. III. s. 2, cap. 31, which, as respects the West India Dock Company, sets forth, "that the directors of the said company have, in pursuance and execution of the said three last-recited acts, caused to be made and completed two large and commodious navigable docks, fit for the reception and accommodation of *West India* shipping, with proper basons, locks, cuts, quays, wharfs, warehouses, and other works adjoining or attached to the same respectively, one of which docks is now used for the reception and unloading of ships and vessels, and is denominated the Import Dock, and the other of the said docks is used for the reception and accommodation of light ships and vessels, and ships and vessels taking in cargoes, outward bound, and is denominated the Export Dock; *and the said Import Dock, and the warehouses, wharfs, and quays adjoining thereto, are fenced and protected by a strong and substantial wall, as is required and directed by the second of the said last three recited acts:* And further, that *it is expedient that the said Export Dock should also be protected by a strong and substantial wall on the south side and the east and west ends thereof, and to communicate at each end with the present wall on the south side of the Import Dock; and also, that convenient offices should be erected near the said docks for the accommodation of such officers of his Majesty's revenue as shall attend on duty at the said docks; and that proper barracks should be built for the reception and accommodation of such officers*

and soldiers in his Majesty's service as shall be placed on guard or duty at the said docks and other works: And inasmuch as the directors of the said company are not authorized to appropriate any part of the said capital in erecting the said wall for the protection of the Export Dock, and the said offices and barracks, and inasmuch as the same will be particularly advantageous to his Majesty's revenue, it is expedient that powers should be given to advance a sum of money out of the consolidated fund, to enable the said company to build and complete the same; wherefore it is enacted, that there be advanced from the consolidated fund, upon the credit of and to be replaced to the said fund by and out of the surplus rates and duties granted or made payable to the said West India Dock Company, by the said recited acts of the thirty-ninth and forty-second years of his present Majesty's reign, after payment of the demands to which the same are now made subject, any sums of money, not exceeding in the whole the sum of thirty thousand pounds, as shall be necessary for erecting a good and substantial wall on the south side and at each end of the West India Export Dock; also offices and buildings for the officers of his Majesty's revenue, and barracks for the officers and soldiers in his Majesty's service on duty at the said docks."

The money advanced from the consolidated fund under this enactment was replaced, with interest from the day it was advanced, and the company are charged, by a subsequent clause, with maintaining and repairing all these walls, guard houses, and offices. The London and East India Dock Companies are placed in a similar situation, as to the securities they have been compelled to provide, and it will remain to be seen whether, as their business could have been conducted without them, the vast sums they have cost have been (as far as their own interests are concerned) uselessly and unprofitably expended.

To proceed to the contemplated extension of the warehousing system, the Right Honourable Thomas Wallace said,—“ I shall fearlessly propose to extend the warehousing system to its utmost practicable limits, and by opening our ports as wide as possible, by every facility and encou-

agement that can be afforded to it, to invite the deposit of foreign commodities of every description, for exportation to every part of the world; subject only to the regulations necessary for the security of the revenue, and for preserving to our manufactures a preference in the markets of this country, and the supply of our colonies.

“ I should propose that all articles should be divided into two classes :—That in the first should be comprehended those prohibited by law to be imported, and those subject to the highest duties, and from which the danger to be apprehended, if clandestinely introduced into consumption, is the greatest—that in respect to such articles *precautions of a special nature should be applied*, such as their being deposited in warehouses *within the walls of docks, or within other walls and near to the place of landing, or in warehouses, secured in a way declared to be SUFFICIENT*, by an order of the Lord of the Treasury.”

In a pamphlet upon the warehousing system and navigation laws, by John Hall, Esq., from which the foregoing passages are extracted, and in which the author seems to claim the merit of the Right Hon. Gentleman's suggestions, a little discrepancy as to the necessary security is observable. Mr. Hall's proposition is that “ All wines, and spirits, cordials, or strong waters, including such wines and spirits as may be imported otherwise than by the East India Company, should, together with all goods which are, or shall be subject to any excise duties, and all goods prohibited by law, to be imported for home consumption, together with some other articles which I have selected, on account of the high duties to which they are liable; [the whole of which are specified in table (A.)] *be warehoused only in places surrounded by high walls, or other places affording EQUAL SECURITY* as may be approved of by the Lords of the Treasury.”

The 7th clause of the act of the 4th G. IV., referring to the same goods, is as follows :—“ And for the greater security of the revenue of Customs and Excise be it further enacted, that from and after the commencement of this act, all such goods and merchandize, as are enumerated and

described in the schedule marked (A) to this act annexed, shall be lodged and deposited in *warehouses which are or shall be erected and built in places enclosed by and surrounded with walls, or in such other warehouses or places of SPECIAL SECURITY* as shall be from time to time approved and appointed by warrant as aforesaid of the Commissioners of his Majesty's Treasury, or any three of them, to be published three times in the London Gazette and Dublin Gazette respectively, *and in no other warehouses or places whatsoever."*

It has been already shown, from the most authentic sources, that ever since the year 1796, that is for a period of eight-and-twenty years, *surrounding walls* have been deemed indispensable for constituting places of "special security." We here find the legislature, as late as last year, confirming that opinion; and yet an opening is left for an interpretation of the enactment, which would be dangerous as respects the revenue, and injurious as well as unjust towards the existing establishments. According to Mr. Hall, the places to be approved must be of *equal* security to those surrounded with walls. According to Mr. Wallace, it is only necessary that they should be "secured in a way declared to be *sufficient*." The first step of the government in acting upon the foregoing provision will, without doubt, be taken with due caution, particularly as respects the port of London, there being still, as there were in the days of Elizabeth, "many greedy and covetous persons, respecting more their private gain and commodity, than their duty and allegiance, or the common profit of the realm," who, with a precedent once established, will not fail to urge the concession of indulgencies destructive of all system and security, which would entail vast expense and loss upon the community at large, for the private gain of individuals.

Already has the Warehousing Act of the last session been laid hold of, as affording not only the means of increasing the emoluments of existing dock companies,—such as the Commercial Docks,—but as an invitation and encouragement to the construction of additional establishments. As respects the port of London, individuals either cannot, or will not, perceive, that the Act of the 4th of Geo. IV., cap.

24, relates to the whole kingdom, and that its *permissive* provisions respecting the deposit of goods in warehouses, which are or *shall be erected*, do not pledge either the legislature, or the government, to approve of all warehouses which may be erected, however improvidently or unnecessarily.

In a general enactment a provision for the future was necessary, and the object of it may be collected from Mr. Wallace's speech, where, alluding to the advantages which he proposed to offer to the proprietors of goods deposited in warehouses properly secured, he says, "This distinction I feel to be necessary for the protection of the revenue, and indeed am disposed to establish it in order to induce the merchants *belonging to different ports*, to provide such warehouses as will at once afford to themselves the greatest degree of protection from plunder, and to the public the most effectual security in the collection of the revenue."

The Right Hon. Gentleman was surely, in this passage, referring to the *out-ports*, and not to the port of London, which is already provided with such ample accommodation.

The report of the select committee on foreign trade, of which the Right Hon. Gentleman was the chairman, is also relied upon as holding out encouragement for new speculations, but this is not readily discernable from the report itself; it states, "*The MAINTENANCE and ENCOURAGEMENT of the dock establishments are objects of equal interest to all parties concerned in the commerce of the country*; and the principal question for the consideration of Your Committee appeared to be, whether the advantages confessedly resulting from them could be preserved to the public most effectually under a system of exclusive privilege, granted to each dock respectively, by which the trade should be by law divided and apportioned; or one of competition, operating freely amongst them, in which the convenience of commerce, whether arising from local position, regulation or charges, should be alone the measure of employment and advantages enjoyed by each several establishment."

This was the question which the committee prepared to discuss, and in considering it, they had reference only to the

docks in the port of London; their attention indeed having been specially directed to the application of the West India Dock Company, for a continuance of their exclusive privilege, they almost entirely confined themselves to the peculiar system and circumstances of that establishment; and the result warrants no such conclusion, as that any further competition was contemplated, than that which must necessarily arise between the then existing docks; this appears evident from the following passage:—

“ Your Committee have abstained from entering into many details, to which a more minute consideration of the evidence attached to their report might have led, and which they should have thought it a duty to enter into, had such a case been made out in behalf of the West India Dock Company, in respect to security to the revenue, or protection to the merchant, as might have raised any considerable doubt in their minds as to the recommendation they should offer touching a renewal of the compulsory clause of the 39 George III. The expiration of this opens the way to *free competition among the docks*; and they feel assured that, by free competition, the accommodation of the commerce, in every particular, will be best provided for. In delivering an opinion in favour of this competition, they entertain none of the fears that have been suggested of combination among the docks, oppressive to trade, and hostile to the public interests: if they did not entertain the confidence already expressed in the situations and characters of those to whom the direction of *the respective establishments* is committed, they cannot believe in the accomplishment of any such combination that would be effectual: they feel that parliament will always have the ready means of defeating an attempt so injurious to the public interest, and, in case of necessity, will not be backward to employ them.”

This surely relates only to *the respective establishments* to which the Committee were referring, viz. the East India, West India, and London Docks.

Mr. Wallace's speech confirms this construction. He said, “ What case may be made out when we come to the consideration of any further extension of their privileges I

do not know ; I own my impression is (and I speak it only as my personal impression,) that none of the public advantages derived from them in respect either of security to the merchant, or of facility for the collection of the revenue, would be diminished if they were opened to a free competition *with each other.*" Referring to the warehousing act, which it was his intention to introduce, the right honourable gentleman said, " It is my intention also, that every improvement recommended by the Commission of Review should be embodied in the bill." As the right honourable gentleman was a member of that commission, and one of the reports is quoted by the advocates for new docks, it may be well to show that it holds out no encouragement to them, and threatens no injustice towards the existing establishments.

The Report is as follows :

" We are fully satisfied, that they afford the means of protecting the revenue, not only *more effectually*, but *more economically* *, than it could under any regulations be secured, if the vast transactions now conducted within the docks were carried on, as formerly, upon the open quays ; and we find it generally admitted on the other hand, that they have been highly useful to the merchant, by the safeguard he has found in them against the frauds and pillage to which his goods were formerly exposed. These are advantages of great value, and more especially under a general warehousing system. *It is, therefore, in our view of the subject, most desirable, that the dock establishments should be maintained upon the present respectable footing ;*

* Mr. John Hall, giving evidence before the Foreign Trade Committee, stated :

" In the arrangements which would flow out of the proposed extension of the warehousing system, at the expiration of the present charters, *some privileges might in certain cases be still exclusively confined to the said Dock Companies, without injustice to others, and under regulations without subjecting the merchants to vexatious charges or burthens. For those establishments afford the means of protecting the revenue, in some cases, not only more effectually, but more ECONOMICALLY, than it could under any regulations be secured, if the increased trade, which it is to be hoped will be the result of the proposed measure, should in respect to articles subject to excise or high duties be scattered from one end of the port to the other.*"

but we are, at the same time, far from being prepared to state, that for that purpose the continuance of *the whole* of their exclusive privileges would be necessary or expedient. We are sensible, on the contrary, that the interest of the mercantile community is deeply concerned, in being enabled to obtain the accommodation which these docks afford (and to which, *for the advantage of the revenue*, they are *compelled* to resort,) at the cheapest rate at which it can be yielded; and, after all the consideration that we have hitherto been able to bestow upon the subject, we are not aware of any other mode of securing that object, than by opening a competition between the several dock establishments, and other warehouses and quays, such as cannot exist, consistently with the exclusive rights by which the former are now protected, and which rights have been granted for certain periods, as a fair remuneration to the proprietors for the expense of the undertaking. *By what* modifications *of their several privileges* at the expiration of those periods, this competition, which, in our judgment, can alone protect the merchant against *arbitrary charges*, may be effected, we propose to consider, and submit to your lordships in a future report."

The report thus promised has never appeared, but in that before us those rights only which were "granted for certain periods" are referred to, and a *modification* of them is all that is contemplated; the other and most important privileges of the dock companies are not even glanced at.

Had their existence as joint stock companies, their power of levying rates, or their privileges as legal quays, been limited, then might the terms of their continuance have been taken into consideration, and a new bargain made on behalf of the public; but the bonds between them and the public remain in full force and effect in these respects, recorded in their respective acts of Parliament, and must be observed with good faith.*

* "No one can estimate more highly than I do the benefits derived from those establishments, both to the merchant and the revenue, or feel more strongly what is *in justice* due to those to whose enterprize we are indebted for them." — *Mr. Wallace's Speech.*

Throughout the whole of the voluminous documents to which the research of the compiler has extended, he has been unable to find any proposition for the improvement of the port of London, which went to a violation of existing rights; as an instance to the contrary, and in proof that the privileges of legal quays have been considered as property, the following extract from the report of a committee of Merchants, dated as early as 1793, before any particular plan of docks was determined upon, is given. "*As no such plan can be adopted, without an extension of that exclusive privilege which has, for many years past, been* CONSIDERED AND TRANSFERRED AS PROPERTY *at the legal quays, your committee are of opinion, that a principle of inviolable respect for property legally acquired, and of fair and adequate compensation in all instances wherein such property may be invaded, is the basis on which the required extension ought to proceed.*"*

When the plans for the improvement of the port were ultimately matured, this principle was strictly adhered to: The compensation awarded under the different dock acts, not only confirms the title to such property, but acknowledges the beneficial interest of lessees and other parties. The language of those acts is, "that some of the present legal quays, and of the other quays or wharfs, commonly called *public foreign sufferance wharfs*, and certain warehouses, docks, and divers other tenements and hereditaments, &c. *may become less valuable*, by means of the trade or business of the same being in part diverted, *than the same respectively are* AT PRESENT, and divers owners and occupiers of, and other persons interested in or employed upon the business of, such legal quays, sufferance wharfs, warehouses, docks, &c. and owners of lighters or craft, may thereby sustain loss or damage."

It is, in consequence, enacted, that the Commissioners of Compensation, appointed under the acts, "shall make, or

* These are the principles upon which the projectors of the original Dock Establishments proceeded, and they have surely a right to claim an equal measure of justice at the present moment.

cause to be made, *just* and *liberal* compensation" to the parties who might be so injured.

The *insufficiency* of the then legal quays and sufferance wharfs was at that time clearly established; had they been capable of affording every accommodation which the trade of the port required, it may be presumed the legislature would have avoided "unnecessary trespass on local concerns or private interests," and have averted the necessity for making compensation.

The proof of this assumption is, that when the Commercial Dock Company was established, any extension of the legal quays was uncalled for, and, therefore, the act (50th Geo. III. cap. 207.) declared "that nothing in this act contained shall extend, or be construed to extend, to make any of the said docks or wharfs under this act *legal quays*, or to empower the said company to land or load any such goods without the *sufferance* of the Commissioners of Customs."

With these precedents it seems clear, that even if the NECESSITY for additional legal quays is made out, *compensation must be awarded to the Dock Companies which possess the privilege*, before an extension of them can be granted under any other circumstances, than we before stated, viz. those Companies being either unable or unwilling to provide the necessary accommodation—and that if such extension shall be found to be *wholly unnecessary* (as it is contended it is,) the legislature will avoid trespassing on existing rights.

If it should be said that the compensations to the proprietors of the legal quays, &c. were not paid by the dock companies, and that therefore they have not legally acquired a property in the privilege granted by Parliament, they may fairly deny such a position. The benefit to be conferred by the companies, and which it is admitted on all hands that they have conferred, was a general benefit; it extended to the public at large by the protection of the revenue, and to the commerce of the port by improving the navigation of the river: a vast expenditure was to be incurred; and the public at large were to be exposed to no part of

the burthen. The only advantage the proprietors of the docks derived from the legislature, in return for their expenditure, was the concession of their privileges; and though a part of them may have been virtually purchased by monies levied upon that portion of the trade which was benefited, the privileges so conferred as much vest in the companies, as if the land upon which their warehouses are constructed had been purchased by the public, and conveyed to them by act of Parliament.

If it should be said that the London and West India Dock Companies, by not opposing the grant of similar privileges to their own, to the East India Docks, have invalidated their claims, the reply is, that the East India Docks were intended *exclusively* for the *East India Company's* ships, that it could not be foreseen that the private trade would be compelled to use those docks, and even if it had been, the London and West India Dock Companies could foresee no injury to themselves; they, on the contrary, could only regard the establishment of the East India Docks as a consistent and proper extension of the same system to which they owed their own origin, as a strong manifestation of the intention of the government and the legislature to pursue the original plan of classification, in every improvement of the port, and consequent extension of the Warehousing System:—In fact, while each of those companies possessed certain exclusive privileges, they could not oppose a measure which, so far from trenching upon those privileges, conveyed an assurance that they would be continued.

The rights of the three principal dock companies are, it is contended, secured by the solemn acts of the legislature; and, until a paramount public necessity shall arise, cannot be interfered with, either directly by creating additional legal quays, or indirectly by certifying additional warehouses:—The former measure would be a direct violation of their privileges, and the latter an unjust and uncalled-for interference, which would not only be prejudicial to their interest, but injurious to the security of the revenue.

If, for instance, the Lords Commissioners of the Treasury, acknowledging that they had no power to legalize the

quays of the Commercial Docks, were nevertheless to certify *the warehouses* as places of *special security*,* the goods before being deposited therein, must be landed, and the duties ascertained, in one of the three great docks, or at the legal quays, from whence they must be sent in bond, accompanied by officers of the revenue.†

Could such a course tend to the extension or improvement of the warehousing system? or would it not ultimately lead to all that delay, confusion, injury to goods, and consequent plunder, so loudly complained of in the early reports here quoted? Assuredly it would do the latter, and while it would be hazardous and inexpedient, it would be attended with a great additional expense of management.

How different were the arrangements originally contemplated by the legislature when a committee of Parliament reported: “Your Committee observe the public convenience from such greater facility in collecting the revenue, *under strong impression that such advantage is implicated with another of much greater moment, as being the life and soul of commerce, and therewith of revenue itself.*—Your Committee advert to expedition in transactions of trade, on which its economy, its credit, nay its very existence, in relative preference between nations must ultimately rest!”

In proof that these anticipations have been fulfilled, we give the following extracts. In 1810 a Committee of the House reported, in reference to the West India Docks: “Thus a work of great and general public benefit has been accomplished without any charge whatever on the public at large, while those who have undertaken it receive the utmost income allowed by the act for the capital

* The late Joseph Marryat, Esq. in a publication upon the subject, very truly observed:—“The Commercial Docks rather possess great *capabilities* than *present means* of accommodation. Their number of separate docks is a great advantage; but before they can accommodate the West India Trade, many of those docks require to be deepened, an additional entrance into the river must be made, additional warehouses and vaults must be built.”

† Mr. Tilstone, an able and experienced officer of the Customs, referring to this inconvenience, adds, “and if the goods should be lost or plundered in the passage, the revenue would lose the duties, and the inconvenience to trade, from such a division of the cargo, would be inconceivably great.”—*Rep. For. Tr. Com. 1822*, p. 21.

they have advanced ; and those on whom the duties are levied, not only enjoy an immediate advantage far exceeding the amount of such duties, but may, *if* the company's affairs should *continue* to be equally prosperous, entertain a reasonable expectation that *in time* the rates will be lowered."

The Committee on foreign trade in 1823 report, that "they give their concurrence (with some slight exceptions respecting facilities to business) to *all* the claims preferred by the directors of the company, as to the value of the regulations introduced and practised in the management of the West India Docks, and the effect produced by them, in affording security to the collection of the revenue, protection to the property of the merchant, and facility to the conduct of business.* Both from their personal observations,

* In the evidence of Mr. Longlands, in the appendix of this Report, we find the following opinions upon the Dock system.

"The points of view, as connected with the security of the revenue, are in my opinion very numerous ; but the main feature of the docks (that of concentrating the whole of one branch of commerce) is the principal source of security.—I think it tends to give *perspicuity to the public accounts, affords facility to the establishment of proper checks*, and while it gives those advantages to the management of the business of the revenue, it tends to the *convenience of the public at large*, connected with that branch of commerce."

To an inquiry as to the facility, and consequent economy, with which the revenue is collected, Mr. Longlands answers :—"The facility with which it is collected, I conceive to arise from the immediate manner in which the duties can be ascertained and received at the Custom House, or by the Excise, and the economy arises out of that facility ; but the West India Docks enable the Boards of Customs and Excise to protect their several branches of the revenue with much smaller establishments of officers, particularly those of the lower class, than are found to be necessary elsewhere."

When asked if disturbing this system would not, therefore, be attended with increased expense, he says :—

"I certainly think it would, especially in the number of officers which it might be necessary to employ in the out-door department : and I am also of opinion, that in every one of the public offices, connected with the collection of the revenue, an additional number of clerks would be necessary, if that branch of commerce was distributed over various warehousing establishments in the port of London. I believe that in some of the public departments, that dispersion of some of the commodities which are brought into the port, will be found to have given rise to vast increase in their establishments.

"If a greater degree of classification were introduced, instead of that which now subsists being disturbed, it would very much tend to public economy in the points to which I have been referring."

and from the evidence they have received, they venture to state that no establishment of the kind can, in their opinion, surpass in these particulars the establishment of the West India Docks;" and elsewhere, speaking of the dock establishments generally, they say, "The value of these institutions, whether in giving facility to commerce,* in securing the collection of the revenue, or in protecting the interests of the merchant, is so unquestionable, that your Committee feel it would be an unnecessary waste of time to enter into any detailed discussion on that branch of the subject; and the more so, as *the question of a recurrence to the former imperfect system does not appear to your Committee to be at all involved in that of discontinuing or prolonging the exclusive privilege enjoyed at present by the West India Dock Company.*"

The latter passage is surely a disavowal on the part of the committee of any intention to recur to "the former imperfect system:" while it conveys their opinion that the security and protection afforded, might be preserved even if the exclusive privileges are not continued; this very report is nevertheless constantly referred to, by interested parties, as conveying the sentiments of Parliament in favour of innovations, which would be destructive of all system whatever.

* The facilities to commerce are of the utmost importance, but they are in a great degree dependent upon a due arrangement and concentration of business; this was forcibly illustrated by Mr. Mitchell (then chairman of the West India Dock Company) in his evidence before the Foreign Trade Committee; speaking of the practical inconveniences which would arise, as to ascertaining and establishing loss from sea damage, or improper stowage of goods, under a system of general competition, he says:—

"As a West India merchant, I should say, that it would prove a serious and very great inconvenience to me; because if the owners of ships were permitted to go into docks, where the system was to allow the master of a ship to discharge his own cargo, I consider it would be absolutely necessary for me to have some person attending the discharge of any parcel of goods I might have on board that ship, in order to be satisfied that there was no improper stowage. If ships were allowed to go into any docks, it might so happen that three or four ships were discharging at the same time, in different docks, having produce consigned to me, and, therefore, it would be necessary for me to have clerks at each of those places of discharge, to see that the produce had been properly stowed;" this circumstance, among others, he thinks, would be attended with "inconvenience, delay, and expense."

An investigation as to the *necessity* for any such innovations may be considered as now pending in Parliament, upon the application of no less than two new dock companies, and the number of these applications will probably be increased in the ensuing session. The opponents of those measures undertook to prove that there was not less than “300,000 * *tons of unoccupied warehouse-room in the docks and public wharfs* ;” but the honourable House is the proper tribunal for the investigation of that important point ; and will of course require the most conclusive evidence, before it entertains such projects ; it will therefore be sufficient here to offer a few remarks upon their *expediency*.

Unless the testimony of the committees of the House of Commons before quoted be false, the dock establishments are “works of great and general public benefit,” and it is “most desirable that they should be *maintained upon their present respectable footing* ;” “the *maintenance and encouragement* of them, (as stated by the Foreign Trade Committee) must be objects of equal interest to all parties concerned in the commerce of the country.” The proprietors of those establishments encountered all the risks attendant upon new and great undertakings. They embarked in them when the exigencies of commerce most required the accommodation, and during a period of war, when every expense attendant upon the accomplishment of their object was nearly double what it would be at present : † under the

* The West India Docks alone possess surplus accommodation for at least one-third of this quantity.

† This is recorded in their respective acts ; the 47th Geo. III. Sec. 2. Cap. 31, says “That in consequence of the *increased extent and magnitude of the said docks and other works beyond the original plan* upon which the estimates were founded, and of the *great advance in the prices of materials and labour*, and also of the present state of the *West India trade*, and the probability of its further increase at the port of London, the said *increased capital stock of eight hundred thousand pounds* would not be sufficient for the completion of the said works, in such manner as might afford due accommodation to the public ; the said West India Dock Company were empowered, at any one or more of their general meetings, to be specially called for that purpose, to augment their then capital stock of eight hundred thousand pounds to any further sums of money, not exceeding in the whole one million two hundred thousand pounds of capital stock.”

same disadvantages, they have increased their capitals, and extended their works, as the increased demands of commerce required; and thereby the expense of maintaining and upholding them has been much increased, although to the extent of the cost beyond the subscribed capital the companies derived no additional revenue from such unavoidable expenditure.

The West India Dock Company only contemplated an expenditure of £500,000; their capital is now £1,200,000; the London Dock Company only £1,500,000; and they have expended upwards of £3,000,000! How much better it would have been for the proprietors of both, if their property is not to be protected, that these capitals which are now *public stock* should have been kept within their original limits?

But, independently of the extreme injustice of the proceeding, would it be expedient to allow all the speculators of the day, availing themselves of the superabundance of capital in the country, and the low price of labour and materials, to set up rival establishments, which are uncalled for by the extension of trade, and might, from their reduced cost, be enabled to draw away a large portion of the business from the original docks?

Unless the most incontrovertible of all maxims in trade is to be questioned, this might happen without benefiting the merchant one sixpence in respect to charges; that which would afford a remunerating profit upon an extended scale of business might be altogether inadequate to conducting it upon a more limited one; all that could be anticipated would be a diffusion of the profits among a greater number of persons, which would more certainly lead to a less perfect mode of doing the business than to a reduction of charges.

The most probable result would be that the charges would be generally *increased*, and that even then, while the commerce of the port and the public at large would be exposed to the additional expenses, both the revenue and the merchant would suffer from the inadequate manner in which

In addition to the obligation imposed by the original acts, under the warehousing act, certain produce could only be bonded in the close docks, it was therefore imperative upon each Company to provide adequate accommodation.

the means of proper security and dispatch would be provided, the new projectors would be disappointed of the profits held out to them, and the proprietors of the existing docks deprived of a fair remuneration for the investment of their capital.

The dock companies would, under such circumstances, be compelled to conduct their affairs upon principles of the narrowest economy, from which no advantage would arise to the public; and should these establishments fall into decay, the country at large will have to deplore the mistaken policy which led to their destruction.

The ruin which would inevitably result from the construction of docks or warehouses beyond the demands of the trade, cannot be better illustrated than by the following extract from the appendix to the 10th Report of the commissioners of inquiry into the revenue arising in Ireland, &c. p. 238.

“The situation in which the crown at present stands, as warehouse-keeper to the revenue, and to the merchants, subjects the crown to great annual loss without any corresponding advantage.

“The *interest* of the money expended in the erection of the docks and warehouses in this port alone, (Dublin) is estimated by Mr. Scovell at £44,155 per annum, and there are timber yards hired by the crown, at the annual rent of £1186 6s. 6½d., and the total storage rent received for every description of goods deposited in those warehouses and yards, in the year ended the 5th of January last, amounted to £3616 6s. 8d. only, the loss to the crown amounting to * £41,724 19s. 10½d!”

“Independent of the loss of revenue arising from the crown being placed in the situation of warehouse-keeper, it will I apprehend be found impossible, under that system, to maintain an effectual check upon the officers, or to secure dispatch to the merchants.”

Here, the government itself has had practical experience, not only of the ruinous consequences of unnecessarily extending docks and warehouses, but of the utter fallacy of

* This sum should be £44725 0s. 10½d. as shown by Mr. Scovell himself at p. 83 of the appendix.

supposing, that such uncalled-for extension of the means of accommodation would tend to increase the commerce of the country, or extend the warehousing system.

The Commissioners, of whom the Right Honourable Thomas Wallace is Chairman, state in their Report, that "*although the warehouses which have been completed afford the most ample and convenient accommodation for the deposit of goods; the quantity which has hitherto been brought into them is so inconsiderable as to exclude THE REMOTEST PROSPECT that the crown will ever receive, in the shape of storage rent, an adequate compensation for the money expended.*"

Under such circumstances it is not surprising to find that the undertaking is now confined to the completion of the works already begun; and that other buildings, which had been in contemplation, are *wholly abandoned*, or that "it is intended to let the docks and warehouses, and relieve the crown from all future charge on this account."

Without adverting to the false hopes of relief to the crown entertained from this expedient, or attempting to anticipate the result; we put this as a *strong case in point*, confident that it will meet with due consideration from his Majesty's Government, and that they will neither adopt measures nor countenance projects which would involve numerous members of the community in ruin.

The capital *expended* in the dock establishments of the port of London may be taken at upwards of *six millions of money*; the capital *invested* in dock stock, however, is much more considerable, many of the present holders of such funds having paid high premiums for the same:—The distress which would arise from such a capital being rendered wholly unprofitable may be easily conceived; and the case of Ireland must show the government that such an event is far from impossible.

Should the public confidence in these establishments be even shaken, an immediate loss of property must ensue, as may be instanced in the following extract from a statement which was circulated during the proceedings upon the St. Katherine's Dock Bill, in the last session of parliament.

"The House of Commons was moved on the 25th of

February, that their standing orders be waved in favour of this project; and within twenty-four hours after the motion being carried, the stock of the London Dock Company fell in price 13 per cent., or about one-eighth part of its value, thereby reducing at one blow a capital of £3,240,000 to £2,840,000, or a loss on the whole of £400,000.

“Of this stock there is standing in marriage settlements, provision for children, trusts, and other testamentary dispositions, £800,000 and upwards, all resting upon the faith of Parliament. The widows, children, and others interested in this sum are, by the very attempt to establish the St. Katherine’s Dock, deprived of £100,000 of their property, although the average dividend has only been 4½ per cent., and is now 4½.” Here we see the effect produced upon the property of individuals.

This is the situation of the London Dock Proprietors; in the case of the West India Dock Company an attempt has been made to infer, that because their establishment has been so managed as to confer a signal benefit upon the original proprietors, the claim of the proprietors of the present day to the rights and privileges which were conceded to the company *in perpetuity* is thereby weakened. Such reasoning can neither be reconciled with law nor with equity. The proprietors of the present day hold *a stock*, for which many of them have paid the full current value, a value dependent upon the rights and privileges in question. Others of them have received only a just compensation for the risk they have encountered in a most adventurous experiment. All of them, therefore, have actually paid the price for those rights and privileges which the legislature has conferred upon the establishment.

That the result of encouraging the present mania for new projects, and that warfare of competition in which the public are so eager to engage, would be, to reduce the ports of this country to the state of those of the sister kingdom, will hardly admit of a doubt; and for what is the danger of such a result to be hazarded? The *prospect* of diminished charges.

For this purpose the most effectual competition at pre-

sent exists in the Port of London, indeed it is urged against one establishment, the West India Docks, that they are, even now, conducting their business at a rate of charge lower than their actual expenses; this, as respects the West India trade, is certainly true, but as it respects other trades it is not:—But who can view the accomplishment of such reductions as that company has made, without seeing that the public has derived benefits which *competition* could never have given them? It is to the company's exclusive privilege, regulated as it was by legislative restriction as to their charges and their profits, (and therefore mis-called a monopoly,) that this result is ascribable; and let it not be forgotten that, (as reported by the Committee of 1810,) “those on whom the duties were levied received an immediate advantage far exceeding the amount of such duties,”* while they were at the same time secured against the progressive increase in the charges of the port which took place during the late war.

Had the same wise policy which first regulated the establishment of this company been pursued—had the reduced rates been fixed as the maximum of charge, and an extended period of privilege of only 10 years been granted, it is more than probable, that from the excellence of their system, and the economy resulting from a concentration of business, similar advantages might have been obtained. But *now*, what is competition to do? Is it to compel the West India Dock Company to raise their rates, (which they have ample power to do,) or are they to continue them until they have

* The amount of the advantages, *exclusive of saving from reduced charges*, is shown, in a series of actual returns, inserted in the minutes of evidence taken before the Foreign Trade Committee on the West India Docks, (p. 173, 177.) to have been in the first seven years only, commencing with 1803,

To the revenue, about	£1,049,572	0	10
To proprietors, importers, ship-owners, &c.	1,652,970	7	0
	<hr/>		
	£2,702,542	7	10
Being equal to an annual saving to the revenue of	£149,933	17	3
To the proprietors, &c.	236,138	12	5
	<hr/>		
And a total ANNUAL saving of	£386,077	9	8

ruined their competitors? As far as those rates are professedly, and are acknowledged to be, below a remunerating amount, no company, old or new, can venture to compete with them, and it does not follow that their other charges, although sufficient for the maintenance of this company, may be adequate to the expenses of any other undertaking.

In this view of the case, the proprietors of the *West India Docks* may entertain a hope that they will not be ruined, or that they may be the last to be ruined; but the competition with which the dock establishments generally are now threatened must end in ruin somewhere; and in ruin of a wide-spreading and calamitous character.

A public writer, commenting upon one of the projects of the day, has thus ably expressed himself:

“ Every paper teems with new projects—*projects*, be it observed, *not for extending our commerce*, for perfecting our manufactures, or improving our agriculture, *from which the nation would derive benefit—but projects, the tendency of which is to nourish a species of internal warfare, wherein, as one portion of British subjects cannot gain but by the ruin of another, THE STATE WILL DERIVE NO ADVANTAGE. There is at present a rage for Docks and Dock Companies. Now, if the extension of docks would multiply the number of vessels coming to them, we should say, by all means augment your Docks. But has it ever occurred that a homeward-bound vessel wanted room in a secure Dock?* The public will have observed in the papers, various accounts of the new St. Katherine’s Docks. We believe that in the formation of these, there is both much private misery inflicted, and also, if we are rightly informed, the needless desecration of a sacred place. But these are not the views in which we are at present disposed to consider the subject. *On the first mention of the Docks, the dock-shares of other companies sunk. Here, therefore, is British capital making war upon British capital—British subjects destroying each other, and THE STATE IS NO GAINER. Nothing whatever is produced by this conflict; not a blade of grass, NOR A BALE OF GOODS.* Mr. Canning regretted that Government had no means of preventing British capitalists from supporting the cause of foreign despotism from the hope of interest: but *we think*

that Government might control the domestic mischief which we here point out. ONE CLASS OF HIS MAJESTY'S SUBJECTS IS AS DEAR TO HIM AS ANOTHER; and when any project is on foot of such a character that its success would be a mere transfer of property without augmentation, those who have their capital already invested should be protected, both from a feeling of humanity and a sense of justice; and, the new adventurers should be advised, and that strongly too, to seek out other channels for the employment of their wealth. Thus would the State benefit, both by the security of the old possessors and the spirit of enterprise infused into the rising adventurers."

In defiance of all reason, the fashion of the day is to assume that the public must be *ultimately* benefited; and, on that ground, to justify all projects whatever; to say, we know that the projectors will be ruined, but the country will derive advantage. In some instances, even the projectors themselves declare their conviction, that their plan will not be productive of profit, and do not hesitate to acknowledge that it is to indirect advantages, as merchants, that they look for reimbursement.

A parental government will never suffer those of its subjects who can derive *no benefit whatever*, to be defrauded thus:—For who are the public? (admitting for the moment the assumption that the public would be ultimately benefited,) who are the public that are to be thus benefited? Not the community at large, *the State will be no gainer!* This public, therefore, is a certain number of merchants of the city of London; but the proprietors of the existing docks, wharfs, quays, and warehouses are as much the public as they are; there is this difference, however, between them, that the one class have already invested their capital in a manner which has proved highly beneficial to the State, the other propose to raise and invest capital in a manner which is not at present called for by any public exigency; the one cannot recal their capital and reinvest it, the other may apply theirs in various ways, which would be *instantly* beneficial to the country at large, without being injurious to any portion of the community.

But how are the public, properly so called to be bene-

fited? In the second Report of the Commissioners appointed by acts of the 2d and 3d Geo. IV. for inquiring into the collection and management of the revenue, &c. (although it principally applies to Ireland) ample materials might be found for exhibiting these problematical benefits. In Ireland, be it remembered, there is a superabundance of docks and warehouses, and there the following defects were found :—

- “ 1. Unnecessary expense of establishment.
2. Imperfect collection of the revenue; and,
3. Delay and difficulties imposed upon trade.”

It would be easy to prove that all these defects inevitably arise from an unnecessary extension of the warehousing establishments of any port, and that there is nothing in the situation of the port of London to render it an exception.

As respects the first of these evils, the unnecessary expense of establishment, all the opinions here quoted prove that it must be increased; the Commissioners of Inquiry, in their eleventh Report (p. 11), gave a statement of the gross receipts and charges of management of the revenue of customs in Scotland in 1818, showing “ that while the rate of collection for the then principal ports was only six per cent., for the remaining twenty-five it was £138 per cent. ! ”

In a Report of the Commissioners of Customs of Ireland, dated 7th December 1819, a statement is given of the average revenue and charge of management at seven ports for three years, the expense “ being at the rate of above 171 per cent. ! on the revenue collected in those ports.”

This, although explained by the necessity of having custom houses at ports where little or no revenue is collected, strongly points out the extent to which the revenue may suffer by an unnecessary increase of establishments. It proves, as stated by Mr. Irving, that “ The safety as well as the interest of the revenue require, with respect to the expenses of management, that the warehouses in which the merchandize is to be deposited under the warehousing system should be as much circumscribed in point of local situation as the necessary accommodation to trade will admit.”

The “ imperfect collection of the revenue,” is as natural

a consequence as the additional expense of management. This, however, although a less direct and obvious source of injury to the public, is one of infinitely greater importance, as from the very nature of the evil, a defalcation in the revenue might exist for years before it was detected.

The gross amount of revenue at stake, taking only one item from schedule A of the act of the 4th Geo. IV., and the articles mentioned in the 8th clause, appears, from the finance accounts of last year, to be as follows *for England alone* :

			£.	s.	d.
Sugar	-	-	4,504,781	10	8
Brandy	-	-	114,620	3	5
Geneva	-	-	7,269	16	8
Rum	-	-	132,233	1	9
All other sorts	-	-	1,734	0	3
Foreign Spirits, Excise	-		1,556,766	1	1
Wine	{ Customs	-	848,355	12	8
	{ Excise	-	1,052,184	15	5
Cocoa-nuts and Coffee	-		406,907	9	6
Pepper	-	-	151,919	3	6
			<hr/>		
			£8,776,771	14	11

This is more than a moiety of the whole gross receipt of customs duties for England ; the amount is too great to be placed at hazard, and the articles are those which it is contended ought to be lodged in the close docks, and in no other warehouses or places whatever.

The advocates for unlimited freedom will not listen to any argument founded upon the former imperfect system in the port of London ; we will, therefore, take an illustration from the port of Dublin, of the state to which the Warehousing System would be brought :—“ It is the practice in Dublin to lodge goods landed under bill of store in the same room with bonded goods—this is very objectionable, and ought not to be permitted. In taking the account of the stock in the stores, now proposed to be immediately proceeded in, an opportunity will be afforded for making the

distinction and separation, which is so essential, between goods bonded and goods merely stored. Among the latter *there is reason to suspect, from a discovery already made, that there will be found goods which have been exported to Ireland, for the mere purpose of obtaining the draw-back of the English customs, and are utterly worthless*:—many that have remained in the stores much beyond the time limited by law, therefore liable to be sold for the payment of duties and charges; *and many, there is reason to suppose, of which there is no account when they came into the stores, or under what circumstances.* It is also most desirable to ascertain whether the goods which appear by the bonded ledger to be in the stores are really there; and under all these considerations, the measure of an immediate taking of stock appears to be urgently necessary.”

This case is stated in the Appendix of the second Report of the Commissioners of Inquiry into the Revenue arising in Ireland, printed in 1822; and the commissioners (the Right Hon. Thomas Wallace, Mr. Frankland Lewis, Mr. Herries, Mr. Lushington, and Mr. Berens,) state, in reference to the enormous scale of expense, that it “ would be in some degree compensated for, if it appeared that the revenue was collected to its fullest amount by a rigid attention to the interests of the crown on the one hand, and on the other with a due consideration for the convenience of the subject. *But such compensating advantages are not to be found in the management of the Irish revenue.*”

The important suggestions of the commissioners, which have wisely been carried into effect, must tend to much improvement. Many years may, however, elapse before a well regulated Warehousing System is established in Ireland, but a very few years would elapse before the port of London would be like the port of Dublin, should the government extend the privilege of warehousing unguardedly; the evils to which we are referring are weeds of quick growth, but difficult to exterminate.

With respect to the “delays and difficulties imposed upon trade,” nothing can be more obvious than that they must be increased. “It is superfluous to observe (say the

commissioners from whom we last quoted) that unnecessary delays and impediments to the transactions of commerce are heavy additions to the unavoidable burthen of taxation; and the public look to the removal of them with a very natural and very just anxiety."

The commissioners were referring to "the vexations and embarrassments occasioned by the different methods of managing the revenue, in the several parts of the United Kingdom; to repeated and unavoidable interference of revenue officers; diversities in the methods of classing and denominating the various articles subject to duty; differences in the principles on which that duty is charged and levied; variations in the construction of the same laws; and, above all, the different degrees of strictness and impartiality with which the public income is collected."

The Commissioners most properly remark that of the various consequences, "the unequal application of the law is perhaps the most prejudicial to commercial enterprise. In its effects it has all the evils of partial and ill-adjusted taxation, bearing with unequal pressure upon members of the same community, and that too, in a manner more injurious than if directly arising from the law itself; because, by its uncertainty, *it defies calculation, and counteracts, among those engaged in trade, all the principles of fair competition.*"

These are enlightened and rational views of the subject; and although not specially directed to the point to which we are applying them, there is no merchant in London who will not at once see the force with which they do apply. In an uncalled-for number of warehousing establishments there can be no "unity of direction," either on the part of the revenue, or on the part of those who have the management of the docks and warehouses; there must necessarily be different degrees of strictness and impartiality, as well as different degrees of security; and wherever, in consequence, *undue advantages* are taken, the revenue and the fair trader will suffer, and the principles of fair competition will be counteracted.

In the memorial of the West India Dock Company, appended to the Report of the Select Committee on Foreign

Trade, there is the following passage: " Your memorialists perceive, with the highest satisfaction, the enlightened views with which the commerce of the country and the warehousing system are at this moment regarded by his Majesty's government and by the legislature; that it is in contemplation to establish a clear and certain code of commercial law, and to extend the warehousing system * to its utmost practicable limits. While objects of such vital importance are in view, the classification, which so essentially characterizes the establishment of this company, cannot fail to appear as manifestly conducive to their attainment. Your memorialists, therefore, most particularly invite inquiry into the very beneficial effects of this classification, and feel warranted in asserting, that it tends, more than any other circumstance possibly can, to the security of the revenue, and the facility and consequent economy with which it is collected; and that it therefore admits, with the greater safety, of the warehousing system being so extended. They may also assert, with equal confidence, that it has another important tendency; viz. that of rendering the law more clear and certain in its application; all that relates to our West India trade thus becoming insulated in its details. When your lordships enter into the examination, you will without doubt perceive the harmonious system which has arisen from this classification, and feel the danger of destroying it."

In a publication of an honourable member of Parliament, an attempt was made to refute what is here advanced, but the following extract from a reply which was made to it appears to be convincing: " The merchant law has of late excited much attention: custom is the foundation of that law. If that custom be universal and unvarying—if in the continual transfers and constructive deliveries of goods, one uniform course of business, of well understood force and effect, be strictly adhered to, the law must be rendered more clear and certain in its application. That this is peculiarly the case, as respects the West India trade,

* It is evident that when this was written it was not supposed that an increase in the number of docks and warehouses could ever be considered an extension of the warehousing system.

cannot be denied; and that it would be no longer the case if the trade was distributed throughout the port, is manifest, unless it can be supposed that all the docks, and all the wharfingers and warehouse-keepers, were subjected to one code of regulations for the conduct of their business, and all adhered to them with the same exactness."

The time is gone by for continuing that perfect system in favour of which the last writer was arguing; but it is not too late to arrest the further progress of mischief; the West India Dock Company still preserve to themselves, and, if fairly dealt by, will continue to preserve, the whole of the West India trade; so far the classification of the importations of the port of London will not be destroyed.

The importance of this arrangement, as respects facilities to commerce, is thus admitted by the Select Committee on Foreign Trade: "Your Committee cannot but observe, that whatever degree of perfection, in regard to dispatch and regularity, may distinguish the West India Dock, *great facility* towards these objects is incident to the warehousing in that dock being confined to the cargoes of peculiar ships, and the articles of merchandize to a comparatively confined number; and to this circumstance of strict limitation, in respect to goods and ships, it must be ascribed, if exactly the same degree of perfection in the conduct of business, AND IN THE CLASSIFICATION OF MERCHANDIZE, is not to be found, NOR IS, INDEED, ATTAINABLE in a dock of more extensive use, and more general resort."

With these authorities we can hardly be said to assume too much in asserting that the greater the departure from the systems hitherto pursued, the greater will be the delays and difficulties imposed upon trade.

One question yet remains to be considered, viz. whether a diffuse and promiscuous warehousing of goods would be conducive to that great and beneficial improvement in the collection of the revenue, which is about to be carried into effect, by placing the whole of the import duties under the sole management of the Board of Customs. We venture to give a decided opinion to the contrary, and to assert, that, independently of the loss of security to the Crown, the

increase of expense in additional officers of customs would soon amount to as much as both establishments now cost; whereas, if no unnecessary extension of the places for warehousing high duty goods takes place, the whole amount of the cost of the Excise establishments of the principal docks will be ultimately saved.

By a Return to the House, ordered to be printed 30th March last, No. 184, it appears that the following is the amount of the Excise establishment for the port of London only :

	£.	s.	d.
West India Docks - - -	* 14,398	17	7½
London ditto - - -	37,693	1	10½
Tower Hill establishment -	14,278	3	5½
Export ditto - - -	5,082	11	9
East India Docks, and pepper ware- house, tea, &c. establishments	21,378	13	10½
	<hr/>		
	£92,831	8	7

From this it will appear, that at least a moiety of this vast expense may be saved in London alone; while the business of the revenue would be conducted with greater dispatch, and the convenience and interest of the merchant would be promoted.

During the progress of a measure of this importance, we should conceive that any innovation would be ill timed, and that the board of customs, if they still adhere to the principles which have guided their predecessors, would find that by their officers being called upon to attend numerous additional places of deposit, the revenue under their management would be exposed to hazard, at the very moment when additional responsibility was thrown upon them. It will be impossible in such case to preserve that part

* This item, as contrasted with that which follows it, clearly shows the effect of a classification and concentration of business, upon the Expenses of Management, the Establishment which is the least expensive being the most extensive in point of accommodation. The average annual revenue, collected on goods warehoused at the West India Docks, may be taken,—the Customs duties at 3,500,000*l.*; and the Excise 1,000,000*l.* Supposing the whole to be managed by the Board of Customs, and that no increase of Establishment (at present about 17,000*l.* a-year) was necessary, the expense of management would be under 1*d.* in the pound.

of the system which is explained in the report of the board of 1796; they say "The essence of the check instituted for the guard of the revenue on the article liable to duty, or to the laws of the revenue, is, that whilst the delivering officer, who ascertains the duty according to the criterion fixed, or watches the due execution of those laws, is discharging his trust, controlling officers, stationed on the quays for that purpose, shall promiscuously, and as occasion or discretion may require, inspect, supervise, or examine the weight, tale, gauge, or measure of the article when in the custody of the crown, in correction of error, and in prevention of fraud or collusion. For this service nine landing surveyors are appointed in the port of London; it is their duty to control the whole class of delivering officers on the quays, consisting of landing and deputy king's waiters, and a numerous body of inferior officers. Indeed it is our standing principle, that no officer shall be permitted to act without control."

Unless a most unjustifiable expense is incurred, all such control must be lost, by an unnecessary extension of the means of accommodation, which would be no extension of the warehousing system; a witness in 1796 said "I conceive, that if the principles of a free trade should ever meet with legislative attention, and which perhaps the present commercial state of Europe seems to encourage, it will be perhaps prudent to see the effect of that principle, before we totally derange present accommodations," and better advice could not be given at the present moment.

It will be asked whether we mean that no additional docks should be constructed, or warehouses certified, as long as those now in existence can in any way accommodate the trade of the port? The answer is, we have no such meaning. Our wish is rather to see that which may be defective supplied, than that which is perfect destroyed: and therefore if there be any branch of trade which does not already possess dock accommodation and really requires it, then we could wish to see such dock erected—it would then be beneficial instead of prejudicial.

In these times, however, much caution would be necessary to ascertain that such a dock was really sought for by the

trade which was to use it, and not by mere money speculators; if found to be necessary to a particular trade, or for the general convenience of the port, then should the shipping, for the accommodation of which it is provided, be compelled to use it as one condition of being admitted to the benefits of the warehousing system.

If we are told that public opinion is now so strongly excited against all compulsion, that such a measure would be impracticable, we reply that it is the peculiar province of the government and the legislature to consider the public good in preference to popular opinion; a compulsion upon vessels to use docks is to be found elsewhere than in the early acts for the improvement of the port of London: the plan *at present* proposed for letting the docks, quays, yards and warehouses in the port of Dublin, after describing the premises, and specifying the conditions, proceeds to state the "rights and privileges to be secured to the lessees," among which it is provided, "that all vessels arriving in the port of Dublin from foreign parts, or coastwise, with any goods on board, liable to the payment of any customs or excise duties whatever, shall discharge their entire cargoes within one of the said docks, and nowhere else, except steam-boats," &c.

If this can be done in the present times in the sister kingdom, there is no reason why it should not be done in Great Britain.

The compiler regrets that circumstances have compelled him to throw the foregoing notices of the warehousing system together with greater haste than he could have wished; and while he trusts they will be received with indulgence, he begs to say that any opinions of his own are offered with much humility; the only claim which they can have to attention is that they are the result of some experience and the sincerest conviction.

The points attempted to be proved by this review of the feelings and opinions of those to whom the public has hitherto looked for information and advice as to the warehousing system, are—

1st. That the Warehousing System is to be con-

